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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,111	08/07/2001	Michael A. Gaul	A-7172	9737
5642 7590 08/07/2008 SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044				
EXAMINER PENG, FRED H				
ART UNIT 2623		PAPER NUMBER		
NOTIFICATION DATE 08/07/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary

Application No.

09/924,111

Applicant(s)

GAUL ET AL.

Examiner

FRED PENG

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 10-23, 26, 30-36, 39, 43-48, 51 and 57-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 10-23, 26, 30-36, 39, 43-48, 51 and 57-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 04/29/2008 have been fully considered but they are not persuasive.

Applicant argues on page 15 of Remarks that Ward fails to disclose or suggest modifying the number of channel slots that comprise a hard page in Claim 1. Similar arguments also appear on page 17 of Remarks that Ward fails to disclose or suggest modifying a predetermined coverage of a time listing as in Claim 6. The remaining arguments for Claims 17, 26, 30, 39, 43 and 51 are about the same as for Claims 1 and 6.

The Examiner respectfully disagrees with the applicant's arguments. The channel listing characteristic and timing listing characteristic as in Claims 1 and 6 respectively use open-ended phrase like comprise or at least one of and consequently the channel listing characteristic or timing listing characteristic could include more than just a predetermined number of channel or a predetermined coverage of a time listing. Further, the rejected claims 1 and 6 only cite "requesting a change in the IPG channel or timing listing characteristics" and not the features (i.e., modifying the number of channel slots or modifying a predetermined coverage of a time listing) upon which applicant relies as recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 10-14, 17-23, 26, 30-36, 39, 43-48, 51 and 55-74 are rejected under 35

U.S.C. 102(e) as being anticipated by Ward et al (US 2007/0186240).

Regarding Claims 1, 17, 30 and 43, Ward discloses a system and corresponding method for providing interactive media services comprising:

memory (Para 111) for storing IPG (FIG.1) configuration data (software instructions) that is used to determine an IPG channel listing characteristic (look of the EPG/IPG information displayed; Para 28) where the channel listing characteristic comprises a predetermined number of channels presented concurrently (Para 214); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic, wherein the IPG channel listing characteristic is represented by an object indicia presented to a user (FIG.1, element 20) and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user (FIG.1, element 18) such that a first user input of selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic (FIG.6; user first select Schedule button; and user can Remove or Change the schedule program list from action button).

Regarding Claim 2, Ward further discloses the memory is non-volatile memory (Para 42 lines 1-5).

Regarding Claims 3, 19-21,32-34, 45, and 46, Ward further discloses an IPG screen that is configured in accordance with the first user input (FIG.1; menu/option input) is presented to a user in response to receiving a second user input (Para 31; command to display the EPG while normally watching TV, i.e., video only).

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Regarding Claims 6, 26, 39 and 51, Ward discloses a system and corresponding method for providing interactive media services comprising:

memory (inherent) for storing IPG (FIG.1) configuration data (software instructions) that is used to determine an IPG time listing characteristic (look of the EPG/IPG time information displayed) where the time listing characteristic is at least **one** of the following:

a predetermined number of time listings presented concurrently and

a predetermined coverage of a time listing (Para 127; Para 190; one day coverage of a time listing); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (FIG.1, user selects Schedule button), wherein the IPG time listing characteristic is represented by an object indicia presented to the user (FIG.1; Schedule button) and an action for reconfiguring the IPG time listing characteristic is represented by a tool indicia presented to the user (FIG.6; Remove or Change Button) such that a first user input of selecting the object indicia and the tool indicia modifies the IPG time listing characteristic (user can change the schedule for the selected programs).

Regarding Claims 10-11, 22-23, 35-36, and 47-48, Ward further discloses an IPG screen that is configured in accordance with the first user input is presented to a user via a TV device (Para 28).

Regarding Claims 12, 18, 31, and 44, Ward further discloses the first user input is provided via a remote control device (FIG.2; Para 29).

Regarding Claim 13, Ward further discloses the system is a client device (client to the B-caster and Internet servers; Para 249; Para 109).

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Regarding Claim 14, Ward further discloses the client device is a digital home communication terminal (DHCT) (Para 113; television system to access internet is DHCT).

Regarding Claims 55, 58, 61, 64, 67, 71 and 73, Ward further discloses the object and tool indicia are represented as a symbol to the user (FIG.6, the schedule button and Remove button are symbols).

Regarding Claims 56, 59, 62, 65, 68, 72 and 74, Ward further discloses the object and tool indicia are represented as a menu options on at least one screen to the user (FIG.6, the schedule button and Remove button are as a menu options).

Regarding Claims 57, 60, 63 and 66, Ward further discloses the object and tool indicia are represented on a request screen generated by the user input (FIG.6 is generated by user input).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2007/0186240) in view of Lemmons et al (US 6,442,775).

Regarding Claims 15 and 16, Ward discloses the EPG is a shell for access to additional applications by connecting to a server (Para111).

Ward fails to disclose the system is a server device and located at a headend.

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In an analogous art, Lemmons discloses an EPG server system located at a headend (television distribution facility 16 - FIG. 1) for generating EPG display screens (Col 5 lines 34-36 & 47-50).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Ward to include the system is a server device and located at a headend as taught by Lemmons for the added advantage of decreasing the processing load of the receiving device.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/
Primary Examiner, Art Unit 2623
Fred Peng
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